



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

January 19, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

KING HILL IRRIGATION DISTRICT
PO BOX 428
KING HILL ID 83633

RE: APPLICATION TO LEASE WATER RIGHT 37-21595 TO THE WATER SUPPLY BANK

Dear Applicant:

The Department of Water Resources (Department) has completed its review of your application to lease a portion of 37-21595 to the Water Supply Bank (Bank).

The Water Supply Bank Rules provide criteria to be considered when determining whether to accept a water right into the Bank. The criteria include assessing whether the right will be enlarged upon rental. The place of use identified by water right 37-21595 duplicates the place of use identified by water right 37-4112, and rental of 37-21595 alone would enlarge the right. Therefore, water right 37-21595 cannot be accepted into the Bank at this time and I am returning your application as denied.

If you still wish to offer the right for lease to the Bank, please submit a new application along with an application to lease the appropriate portion of 37-4112. Future lease applications must be on current forms and include a map of the specific acres to be idled during the lease period and evidence that the offered right(s) have been used within the previous five years.

Please note a water right is not protected from forfeiture unless it is accepted into the Bank or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. Based on our discussions about King Hill's proposed lease of water right 37-21595 into the Bank, King Hill is not presently diverting water authorized by water right 37-21595 because it can maintain the full beneficial use of the overlapping rights without exercising water right 37-21595. I assume King Hill needs less water as a result of conservation practices resulting in reduced delivery and application water losses. If so, it appears subsection (9) of Section 42-223, Idaho Code, may protect water right 37-21595 from forfeiture. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right. If you have any questions, please contact me at (208) 287-4907.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure – Lease Application (copy)

C: Allen Merritt – IDWR Southern Regional Office
Dan Steenson – Ringert Law